TELEPHONE 38.
Ring (6) Bells.

# THE GAZETTE

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VOLUME 1. BERKELEY, CAL., WEDNESDAY, JANUARY 23, 1895. NUMBER 52.

# PERKINS THE MAN

## Spencer Nominates Perkins for U. S. Senator.

## Enthusiastic Applause by the House and Gallery.

## De Young is Introduced by Dixon of 'Frisco.

## W. W. Foote is the Democratic Candidate.

## Passenger Rates Between California and the East Raised.

## Frick's Appointment to the Bench All Right.

### DOUBLY DONE IN THE SENATE.

**Perkins Carried Things His Own Way in That House.**

SACRAMENTO, Jan. 2.—Exactly at noon today the Assembly turned to the work of filling the Senatorial vacancy. Spencer of Lassen led in behalf of Senator Perkins the procession of nominating speeches. He rose amid a confusion of pages rushing hither aud thither with mail and newspapers for the various members, with the shifting of seats in the gallery and the crowding in upon the floor by privileged persons. Speaker Lynch was compelled to interrupt him and call for order, and direct the sergeant-at-arms to see that it was secured.

Spencer then resumed, announcing that he desired to place a widely known and widely honored name in nomination for the United States Senatorship. "The man," he said, "had come to this coast from the East at an early age and at once made his way to the mines. In a land where it is every man's privilege to climb the highest place in the fabric of the government if he can, the youth of that day had set steadily to work, and by industry and integrity he had marched to the front until now his spotless name is a household word from the mining-camps of the remote mountains to the heart of the busy cities of this great State.

"Not only here; but it is known in other cities, and the ships that cross the seas have carried it beyond them to other lands, and always and everywhere it is spoken with honor. You who live in the valleys and among the orange groves of the south know equally well the name, and you know how well you may depend on the man who wears it to fulfill whatever trust you may repose in him, and as well, also, with what ability he will execute it. I have the honor to place in nomination the name of Hon. George C. Perkins."

The house became entirely still before Spencer had gotten well into his address and now the floor and galleries broke into enthusiastic applause as the name of the Senator was spoken.

Langenour of Yolo made an effective little speech on behalf of W. W. Foote. Langenour is a young man with abundant brown hair, and brown clothes by the way, and spoke with uplifted chin and an earnestness of manner as of one advocating a tangible hope. He spoke of Foote as having genuine integrity, a broad intellect and a rugged honesty, true to himself and his convictions, which are Democratic. He took the occasion also to express the belief that Foote would in 1896 carry the Democratic standard to victory—without stating, however in what capacity.

Dixon of San Francisco followed in behalf of De Young. Like all the other speeches it was short. His candidate, he said, was identified with the progress of the State of California. "He represents its energy, its enterprise and its industry. Coming to the State at a tender age he has by his indomitable will and pluck raised himself from the position of a poor newsboy to the proprietorship of the leading Republican journal west of the Mississippi River. He is a worker, and the experience of the past teaches us that California needs workers in the halls of national legislation if she desires to get that recognition from the Federal Government to which her population, her wealth, her industries and her commerce entitle her. The members of this house were elected on a platform that favors the free and unlimited coinage of silver at the ratio of 16 to to 1, and every person on the Pacific Coast knows how the candidate whom I have the honor to nominate stands upon this question, which is of such vital interest to the entire country.

"The gentleman has also represented, not only California, but the entire Government of the United States in various responsible and honorable capacities, notably as Commissioner of the United States to the Paris Exposition; as a commissioner and second vice-president of the Columbian Exposition in Chicago; as vice-chairman of the National Republican Committee and a member of its executive committee, and last, but by no means least, as president and director-general of the California Midwinter Exposition. In every one of these capacities he has acquitted himself with credit and honor; but above all this, he believes in California and California's future. His interests are here; his means are invested here, and I say it as a member from San Francisco that he was the poineer of the construction of those magnificent buildings which now adorn our city's streets, for I believe the Chronicle building was the first modern office building erected in San Francisco.

"There has never been a taint of siluriapism in his entire composition. I know he will work unceasingly for the State which I believe he will have the honor to represent, and I know that every member of this house will feel proud to have voted for him when his term of office shall have expired. Isolated as we are from the majority of the States, our wants have too frequently been overlooked; but I know that with him in the Senate our rivers and harbors will be provided for, our public buildings will receive attention from the national authorities and we will get some return for the millions of dollars California annually pours into the national treasury in the shape of taxes. I have the honor to present the name of M. H. de Young of San Francisco."

### Frick is all Right.

The information was sent down from Sacramento that there was a defect in the appointmen of Judge A. L. Frick to the Superior bench. The statement caused a good deal of worry for a time among the friends of the young man, and the wires were kept hot between Oakland and Sacramento until the matter was settled.

After some difficulty it was learned that the appointment of Judge Frick was regular and that he could not possibly lose the place. In order to be sure that everything was all right a friend of the Judge went to Sacramento last evening to make a personal investigation of the records.

Judge Frick feels that he is all right anyhow. If there should be anything wrong he believes that Governor Budd would rectify the error. The Judge was an understudy of Judge Henshaw for a time. The latter took a great interest in Judge Frick, and it was mainly through Henshaw's efforts that the young man secured the appointment. Judge Henshaw is a strong personal friend of Governor Budd and the latter would undoubtedly do him the favor to rectify any error in Judge Frick's appointment. At the present time no action seems necessary, as no effort has been made to attack the appointment in any way.

Prayer meetings will be held in the various churches of Berkeley this evening.

## CRESCENT ATHLETIC CLUB

### A Grand Entertainment in the Near Future.

**THE NEW CLUB ROOMS.**

The Crescent Athletic Club, which was recently organized in Berkeley, has laid a foundation which will probably make it a permanent institution. Several clubs have previously been formed, but none of them seem to have prospered. The present club has amongst its members some of our best citizens, among whom are several town officials. A great interest is taken in all the efforts to make it a success. Some very good athletes have joined, and some day they will come to the front in a way to bring a great deal of credit to the institution.

For the purpose of adding funds to the exchequer an entertainment, their first, will be given in Shattuck Hall on the evening of February 21st, 1895. The best talent of the Acme Club, of Oakland, have volunteered to participate. Among the various events to take place that evening will be wrestling, boxing, club swinging, horizontal bar exercise, human pyramids, and a tug-of-war between the Crescent and Acme Clubs. The latter will probably be the most exciting performance of the evening. Afterwards the mazy dance will be indulged in. A banquet, tendered to the Acme Club, will be given still later in the evening.

The Crescent Club has made arrangements wrth Mr. Lancaster for a new club house. It is expected that work on the new building will be commenced about the 15th of next month. Its location will be on Addison street, north of Shattuck avenue, and adjoining the Lancaster block. It will be fitted up in the latest and most approved style. Besides a large gymnasium there will be dressing, lounging and reading rooms. In the rear portion of the building hot, cold and shower bath rooms will be provided, and about one hundred lockers for the use of members of the club. A gallery for the accommodation of visitors will extend around the gymnasium room. Already the club has secured upwards of $500 worth of apparatus, which will be added to from time to time. The outlook is very auspicious, and there does not seem to be any question but what the young men will make a grand success of their undertaking. It should be well patronized by the public, as it will afford the young people of Berkeley a pleasant place of resort during the evenings, instead of almost being forced to go into other places of amusement which are not healthy for the morals of the growing generation.

Louis Gottshall, who has been quite ill at his home in Hollister for the past two months, has returned to Berkeley much improved in health.

The bright sunshine this morning caused a large number of people to appear upon the streets and enjoy its genial rays.

### Passenger Rates go up.

The passenger rates from this city eastward are to be elevated in common with the recently announced increase in freight rates.

At the beginning of the World's Fair a special rate was fixed by the various transcontinental lines of $57 from this city to Chicago. This was done by using a basing rate of $44 50 to the Missouri River, while the selling rate for a continuous trip to the river only was $50. It was when a passenger desired to go beyond the river only that the basing rate was used. The action spoken of made the Chicago rate $57, as stated, and the rate to St. Louis $52.

Those single-trip rates have now been removed, and the information comes from Chicago that it is also proposed to discontinue the basing rate, which would have the effect of making the rate to Chicago $62 50 and to St. Louis $57 50.

Mr. Donaldson, assistant general passenger agent of the Southern Pacific, says that although he knows of a proposition of the character having been submitted to the passenger agents at present in session in Chicago he has not yet received information that it has been acted upon. However, the Santa Fe people here are said to have received a telegram from Passenger Traffic Manager W. F. White of that road to the effect that action has been taken and that the new rates will go into effect on February 15th.

There are a number of changes also contemplated in round-trip rates, which will insure an increase proportionate with the above single-trip quotations.

These changes apply only to the first-class business, and will not affect second-class tickets in the least.

The contemplated transter of General Freight Agent S. B. Hynes of the Southern California Railway Company to take the place in San Francisco of General Freight Agent Bissell, who has been promoted to the main office in Chicago, greatly disturbed the principal business houses in Los Angeles, says the Herald, because Mr. Hynes is one of the most popular and best-liked railroad men that has ever held an office in that city. The rumor had no sooner become somewhat authenticated before almost every leading wholesale merchant in Los Angeles was telegraphing to A. F. Walker, receiver of the Achison, Topeka and Sante Fe in Chicago, to ask that the transfer be not consumated, and that Mrs. Hynes be permitted to remain in the Los Angeles general freight department of the company. Between fifty and sixty telegrams were sent to Mr. Walker between Wednesday and Thursday.

The fine weather this morning caused quite a number of sportsmen to strike out in the different marshes looking for ducks. They have been very scarse during the recent stormy weather.

# THE GAZETTE.

PUBLISHED EVERY DAY EXCEPT SUNDAY
BY THE
GAZETTE PUBLISHING COMPANY
WILL A. NASH.....EDITOR.
JOHN O. HANSCOM BUSINESS MANG'R

SUBSCRIPTION RATES

One Year.....$3.00
Six Months.....1.50
Per Month, Delivered by Carrier....25 cts

Entered at the postoffice as second class matter.

WEDNESDAY, JANUARY 23, 1895.


## GEORGE C. PERKINS

Is the name of the gentleman who was yesterday selected by the State Legislature for the office of United States Senator, to succeed himself and to finish the unexpired term of the late Leland Stanford.

Senator Perkins has during his short stay in Congress demonstrated his ability to represent California and his election now will make him ever so much stronger.

His chief competitor was M. H. De Young, editor and proprietor of the San Francisco *Chronicle*, a gentleman who would have done credit to the State, but the people thought that as they were both good men it was no time to swap horses, as Mr. Perkins had identified himself with several important measures that were of interest to this State and his re-election was necessary that they might be carried to a successful termination.

Senator Perkins is a gentleman who has been identified with the State from its earliest history and he is well qualified to judge of its wants and we are confident that he will do so.

Those who voted against him were entitled to their opinions and the manhood of Mr. Perkins asserted itself at once, when after the balloting was over he sent for these gentlemen and informed them that he recognized their right to vote for any candidate they chose and hoped that they would still be his friends as he would be theirs.

California can well be proud of Senator Perkins who has served the State in the Legislative halls and also as Governor, and his election as United States Senator is a fitting reward for his former services.

THERE seems to be a disposition on the part of some newspapers to criticise Speaker Lynch for voting for M. H. de Young, after the convention that nominated him had instructed him to vote for Mr. Perkins. This criticism is entirely uncalled for as Mr. Lynch is not in debt to San Bernardino county. On the contrary the county is greatly indebted to Mr. Lynch, for he has fought that county's battles and has always come out ahead. He can return to his constituents without a blush as in voting for Mr. de Young he was simply paying an obligation which San Bernardino county owed Mr. de Young.

The members of the college settlement at South Park, San Francisco, will give a tea to their friends next Saturday afternoon from 2 until 5 o'clock. The tea will signalize the opening of the house and the beginning of actual work by members of the association.

Arrangements for the holding of the debates for the Carnot medal are about completed. The debates will be on a purely individual basis. Three candidates will be selected from both Stanford and the University. On the evening of the debates the sunjects will be announced and the candidates on each side of the questions will be determined by lot. The candidate seowing the greatest proficiency will be given the medal.

The Athletic Association of the University met yesterday afternoon and re-elected Lang football manager for the next season. He has about concluded negotiations with a coach for next year, and has only delayed for this action of the Athletic Association to complete the arrangements. The name of the coach cannot be announced until the papers are signed.

### What His Uncle Said.

One of our rising geneartion attended a meeting in Berkely with his father, a short time since, and on his return home told his mother that his Uncle Ben had made a speech at the meeting.

"Well," asked his mother, "and what did Uncle Ben say?"

"He said," replied the young hopeful, triumphantly, "Gentlemen keep the gangway clear!"

### NOTICE.

Parties so desiring can always call up the GAZETTE by telephone. Telephone No. 33, six bells, West Berkeley. The office in East Berkeley will for the time being be located in the same office with the Western Union Telegraph Company.

FOR SALE CHEAP—Saloon fixtures, including bar, back bar, glassware, lamps, side tables, looking-glass, etc. Apply at GAZETTE office, West Berkeley.


## DIVIDEND NOTICE.

San Francisco Savings Union, 532 California St., corner of Webb.

FOR THE HALF YEAR ENDING with the 31st of December, 1894, a dividend has been declared at the rate of FOUR AND EIGHT-TENTHS (4 8-10) per cent per annum on Term Deposits, and FOUR (4) per annum on Ordinary Deposits, free of taxes, payable on and after Wtdnesday, the 2nd of January, 1895.

LOVELL WHITE,
Cashier.
dec22-2w

## DIVIDEND NOTICE.

Oakland Bank of Savings, Oakland, Cal.

FOR THE SIX MONTHS ENDING December 31, 1894, a dividend has been declared at therate of FOUR AND THREE-QUARTERS (4¾) per cent per annum on ALL savings deposits, free of taxes, payable on and after Wednesday, January 2, 1895. Dividends not called for are added to and bear the same rate of interest as the principal, from and after January 1, 1895.

W. W. GARTHWAITE,
Cashier.
d22-1m

## DIVIDEND NOTICE.

THE UNION SAVINGS BANK, Oakland, California—A dividend has been declared to depositors for the six months ending December 31, 1894, at the rate of four and three-quarteas (4¾) per cent per annum on all term accounts, payable on and after January 2, 1895.

A. E. H. CRAMER,
Cashier.
dec24-1m

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**H. M. Waterburry.**

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dec 22 1m

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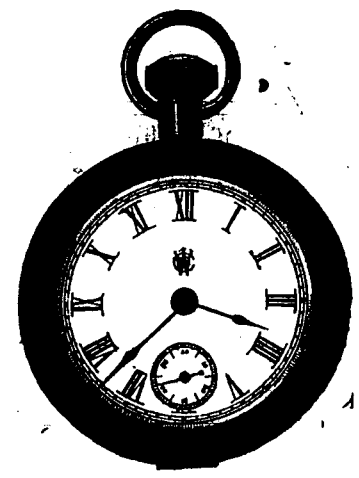

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| Xmas Tree Ornaments | from 3 for 5c up |
| Candles | 15c per box |
| Candle Holders | 5c doz up |
| Animals | from 5c up |
| Tinsel and Silver and Gold La Matta | 5c per pkg |
| Christmas Trees | from 25c to $5 |
| Lovely Baskets | from 10c to $5 |
| Variety of Candies for ornamenting cakes | |
| Chocolates for Dessert | special prices |
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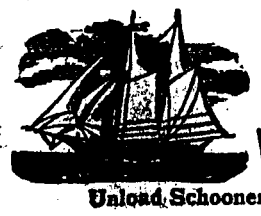

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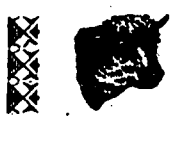
FRESH  MEATS

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Get yonr watches, clocks and jewelry repaired at R. A. Curry's, formerly Scott's 2124 Center street, Berkeley. Diamonds, watches and jewelry of all kinds on hand. Work guaranted.

S. G. Crawford has moved his Intelligence office to corner of Addison street and Standford avenue, where all kinds of help can be obtained.

A gentleman wants board and room in private family, must be a home, no style; one-half mile more or less from University. Address GAZETTE office. d5 1w

For fine candies, teas, coffees, flavoring extracts and notions go to J. R. Fenton's new store at 2152 Dwight way, near depot, where you will be waited upon by the ever obliging Miss Speck. x

Madame Kohne, midwife and ladies' nurse, has removed from Fifth street and Bancroft way to her present residence, 1912 Fifth street, between University avenue and Bristol street. Persons requiring her services can inquire at Rutledge's drug store. x

### Bad Runaway.

This morning, about 9:30 o'clock, as a niece of Mrs. Hulburt, who resides on Virginia street, was out driving, her horse took fright at an electric car and ran away. It by some means got its leg over the shaft, but this only frightened the horse the more, and made him run the faster. The lady held on to the reins of the now throughly frightened animal and tried to keep him in the middle of the road, but while going down University avenue the buggy collided with a wagon and the lady was thrown violently to the ground. She was plucky, however, for she held on to the lines and stopped the horse. The buggy was badly wrecked and the horse had its leg severely cut. The lady was slightly bruised, and was taken to her home by Ed. Donnelly, who sent Dr. Wall to attended to her injuries. It was something short of a miracle that the lady was not killed, and she would have been had she not had the presence of mind to hold on to the reins.

### REAL ESTATE TRANSFERS.

Spencer R. Briggs to Gertrude R. Briggs, a portion of plat 68, Rancho D and V, Peralta.

Orville D. and Willie E. Baldwin to John W. Reidman lot 16, block 2, O. D. Baldwin's subdivision of a portion of the Woolsey tract.

Charles A. and Alice C. Bailey to Frank G. Rose, lot L, block 5, Curtis tract.

Notwithstanding the fact that a boy was killed a few days ago while jumping on the trains, a number of boys were observed doing the same thing today.

Dr. H. D. Kelsey was agreeably surprised this morning when it was announced to him that a son and heir to the drug business had arrived in his happy household.

Ed. Hansen will shortly open a wholesale tea store at Dwight way next to Baum's furniture store.

## LATEST.

### PERKINS ELECTED.

The following telegram was received at the GAZETTE office at 2 o'clock this afternoon:

SACRAMENTO, Jauuary 23rd.

Perkins declared elected amid great enthusiasm. Perkins addresses the Assembly. HOCKING.

### Ducks vs. Crane.

Those eminent hunters Dr. Eastman and H. M. Waterbury started out in the storm on Monday last for the purpose of bringing in a two horse team load of wild game. They did not get so far into the country as was intended on the start but found plenty of hunting for wild fowls. The wind blew so hard and the rain fell in such quantities that a hunter could not hit anything except by accident.

It was in this way that our two knights were successful in bringing down a sand hill crane. The bird was lassoed and taken into the wagon. On arriving home they were fortunate enough not to meet any friends. However, the story leaked out and now Waterbury is going to have the bird stuffed and placed upon exhibition as a trophy of modern prowess in the rainy season.

A new sidewalk is being laid on Haste street, from College avenue to Piedmont way.

Notwithstanding the fact that the sun was shining this morning, the Co-eds appeared as usual in their short skirts and leggins.

### Bill Nye on the Bump Translator.

Much harm has been done by a long-haired phrenologist in the west who has, during his life felt of over a hundred thousand heads. A comparison of a large number of the charts given in these cases shows that, so far, no head examined would indicate anything less than a member of the lower house of congress. Artists, orators, prima-donnas and statesmen are plenty, but there are no charts given showing the natural-born farmer, carpenter, shoemaker or chambermaid.

That is the reason butter is so high west of the Missonri river today, while genius actually runs riot.

What this day and age of the world needs is a phrenologist who will paw around among the intellectual domes of free-born American citizens and search out a few men who can milk a cow in a cool and unimpassioned tone of voice

Let me say a word to the bright-eyed youth of America. Let me murmur in your ear this never-dying truth: When a long-haired crank asks you a dollar to tell you that you are a young Demosthenes, stand up and look yourself over at a distance before you swallow it all.

There is no use talking, we have got to procure provisions in some manner, and in order to do so the natural-born bone and sinew of the country must go at it and promote the growth of such things, or else we artists, poets and statesmen will have to take off our standing collars and do it ourselves.

Phrenology is a good thing, no doubt, if we can purify it. So long as it does not become the slave of capital, there is nothing about phrenology that is going to do harm; but when it becomes the creature of the trade dollar, it looks as though the country would be filled up with wild-eyed genius that hasn't had a square meal for two weeks. The time will surely come when America will demand less statesmanship and more flour; when less statistics and a purer and nobler and more progressive style of beefsteak will demand our attention.

I had hoped that phrenololy would step in and start this reform; but so far it has not, within the range of my observation. It may be, however, that the mental giant bumptranslator with whom I came in contact was not a fair representative. Still, he has been in the business for over 30 years, and some of our most polished criminals have passed under his hands.


SEMI-ANNUAL STATEMENT

OF THE

**Union Savings Bank**

OF OAKLAND, CALIFORNIA,

**At Close of Business, December 31 st, 1894**

ASSETS.

| | | |
|---|---|---|
| 1. Loans secured by first mortgages on real estate in this State, bonds, stocks, warrants, and on approved personal security | $2,851,774.29 | |
| 2. Bonds of various counties of this State, and registered warrants of Douglas County, Oregon, and of City of Oakland | 130,500.00 | |
| 3. Bank premises and real estate taken for debt | 80,482.68 | |
| 4. Cash on hand | $284,471.57 | |
| On deposit in banks in New York and San Francisco | 57,827.09 | |
| | | 342,298.66 |
| 5. Office furniture and fixtures | | 3,500.00 |
| Total | | $3,408,555.63 |

LIABILITIES.

| | |
|---|---|
| 1. To depositors | $3,011,355.84 |
| 2. Capital stock paid in | 300,000.00 |
| 3. Reserve and undivided profits | 75,900.00 |
| 4. Taxes reserved | 22,199.79 |
| Total | 3,408,555.63 |

STATE OF CALIFORNIA. }
County of Alameda. }

J. West Martin and A. E. H. Cramer, being each separately and duly sworn, each for himself says that J. West Martin is President and A. E. H. Cramer is Cashier of the Union Savings Bank, the corporation above mentioned, and that the foregoing statement is true.

J. WEST MARTIN, President.
A. E. H. CRAMER, Ca j.

Subscribed and sworn to be me this 2nd day of January, A. D. 18
W. R. THOMAS,
Notary Public.

BREWTON A. HAYNE,
ATTORNEY-AT-LAW,
Crocker Building, San Francisco.
Residence, Piedmont Way.
Telephone, 5028

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Corner Center Street.

Latest style hair dressing .50c
Shampooing .50c
Curling and cutting bangs .25c
Bleaching a specialty.

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OFFICE—HANN BLOCK,
NEAR BERKELEY STATION.
BERKELEY, CAL.

**Golden Gate Supply Co.**
L. A. CAVALLIER, Prop.
SHATTUCK AVE. AND CEDAR STREET
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COAL of all Kinds.
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**H. D. KELSEY**
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**SELLS HOT WATER BAGS**
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| | | | |
|---|---|---|---|
| 2 quarts | 80 cts | 4 quarts | $1 00 |
| 3 quarts | 90 cts | 5 quarts | $1 25 |

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**D. H. BRUNS & CO.**
The Leading
**GROCERS**
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Are still in the ring with a full line of fancy and staple groceries, hardware, etc. and all articles usually kept in a first-class store. Remember our store
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**REGULAR ● COAL ● DEPOT.**
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FINEST BRANDS OF WINES AND BRANDIES.
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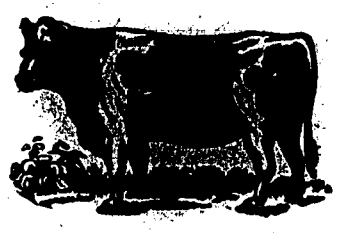

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DEALERS IN ALL KINDS OF
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SAUSAGES OF ALL KINDS.
All Goods Sold at City Prices. Orders called for and promptly delivered free of charge.
2132 DWIGHT WAY,
NEAR STATION
BERKELEY, - - CAL.

Supplement to The Gazette, Berkeley, Cal., January 23, 1895

# CHARTER

FOR THE

# Town of Berkeley

PREPARED AND PROPOSED BY THE

## Board of Fifteen Freeholders

**Elected November 6, 1894, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.**

ARTICLE I.

### RIGHTS AND LIABILITIES.

SECTION 1. The municipal corporation now existing and known as as "The Town of Berkeley" shall continue to be a municipal corporation under the same name that it now has.

SECTION 2. The said corporation shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and alter the same at pleasure; and may purchase, receive, hold, and enjoy real and personal property, within and without the Town of Berkeley, and sell, convey, and dispose of the same for the common benefit, receive bequests, donations and gifts of all kinds of property, within and without the town in fee simple or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage sell, lease, or otherwise dispose of the same in accordance with the terms of the gifts, bequests, or trusts.

SECTION 3. The said corporation shall be and continue vested with all the property rights and rights of action of every kind now belonging to the Town of Berkeley, and shall succeed to all the property of the present Board of Education of the Town, and shall be subject to all the liabilities now existing against said Town or against said Board.

ARTICLE II

### BOUNDARIES AND WARDS

*Boundaries of the Town.*

SECTION 4. The boundaries of the Town of Berkeley shall be as follows:

All that land or territory heretofore included and contained in the Town of Berkeley, County of Alameda, State of California, which said territory is more specifically bounded and described as follows, to wit:

Beginning at the point of intersection of the boundary line between Alameda County and Contra Costa County with the easterly line of Plot Number 83, as per Kellersberger's map of the subdivision of the Rancho of Vicente and Domingo Peralta, of record in the office of the County Recorder of Alameda County, thence southerly along the easterly line of said plot 83 and plots 82 and 80 and the easterly line of plots 76 and 75 produced northerly, to a point on the easterly line of plot 76, from which a line running at right angles to said easterly line of said plot 76 in a westerly direction would intersect Telegraph Avenue at a point seven hundred and sixty-five (765) feet south of the south line of Ashby Avenue, thence westerly and parallel with said south line of Ashby Avenue to the easterly line of Lorin Villa Tract if produced northerly in a direct line; thence southerly and along said easterly line of the Lorin Villa Tract produced as aforesaid, and the extension thereof southerly to a point one hundred and thirty-five (135) feet southerly from the southerly line of Alcatraz Avenue, thence westerly and parallel with the said southerly line of Alcatraz Avenue to the line dividing plots Nos. 46 and 52 of V. and D. Peralta Rancho; thence southerly along said last line to a point on said line one hundred and thirty-five (135) feet southerly from the southerly line of Todd Street, as shown on Map of Paradise Park, thence westerly and parallel with the southern line of Todd Street to a point one hundred (100) feet westerly from the western line of Occidental Street, as shown on said map of Paradise Park Tract, (said Occidental Street being that street now known as Calais Street) thence northerly and parallel with the said Calais Street to a point one hundred (100) feet southerly from the southerly line of Alcatraz Avenue; thence westerly and parallel with the said southern line of Alcatraz Avenue to a point one hundred and sixty (160) feet west of the westerly line of Idaho Street, as shown on Map of the Herzog Tract, thence northerly and parallel with the said western line of said Idaho Street, as shown on map of the Herzog Tract and of the Rock Island Tract, to a point one hundred (100) feet southerly from the southern line of Blackstone Street, as shown on Map of Dohr Tract, thence westerly and parallel with the said southern line of said Blackstone Street to a point one hundred (100) feet westerly from the western line of Mabel Street, as shown on "Map of a portion of the Dohr Tract," if said western line of said Mabel Street were extended in a direct line southerly, thence northerly and parallel with the said western line of the said Mabel Street, and the extension thereof southerly to a point one hundred (100) feet southerly from the southerly line of Haskell Street, as shown on Map of the Carrison Tract, thence westerly and parallel with the said southerly line of Haskell Street to the eastern line of San Pablo Avenue, thence northerly along the said eastern line of the said San Pablo Avenue ninety-five (95) feet, thence westerly across San Pablo Avenue to a point on the westerly line thereof distant one hundred and ten (110) feet northerly from the northerly line of Union Street, as said Union street is shown on Map of the Villa Homestead Tract, thence westerly and parallel with the said northern line of the said Union Street to the western boundary of Alameda County, thence northerly and along the said western boundary of Alameda County to a point from which a line drawn easterly at right angles to the westerly line of First Street, in Tract "B" of the lands of the Berkeley Land and Town Improvement Association, would intersect said westerly line of said First Street at Cordonices Creek, thence easterly in a straight line to the point of intersection of the west line of said First Street with Cordonices Creek, thence easterly along said creek to a point where the northerly line of Kellersberger's plots 83, 84 and 85, if produced westerly in a direct line, would first intersect said Cordonices Creek, thence easterly along said northerly line of said plots produced westerly, as aforesaid, to the boundary line between Alameda County and Contra Costa County, thence southerly and southeasterly along said boundary line to the point of beginning.

*Wards.*

SECTION 5. The Town shall be and is hereby divided into seven wards, the respective boundaries of which shall be as follows, to wit:

FIRST WARD. Bounded on the north and east by the boundary line of the Town of Berkeley; on the south by the northerly line of the State University grounds to its intersection with the center line of Oxford street, thence by the center line of College way and the said center line of College way produced westerly to its intersection with the center line of Grove street and thence by the center line of Bristol street to the center line of Sacramento street; on the west by the center line of Sacramento street northerly to the center line of Hopkins street, thence westerly along said center line of Hopkins street to the center line of Albina avenue, thence northerly along the center line of Albina avenue to the northern boundary line of the Town.

SECOND WARD. Bounded on the north by the northerly line of the State University grounds to its intersection with the center line of Oxford street; on the west, by the center line of Oxford street southerly to its intersection with the center line of Allston way, thence easterly along said center line of Allston way to its intersection with the center line of Ellsworth street, thence southerly along said center line of Ellsworth street and the center line of Ellsworth street produced to its intersection with the center line of Parker street; on the south, by the center line of Parker street easterly to the center line of College avenue, thence southerly along said center line of College avenue to its intersection with the center line of Golden Gate avenue (or Russ street), and by the center line of Golden Gate avenue (or Russ street), and its extension easterly to its intersection with the easterly boundary line of the Town; and on the east by the easterly boundary line of the Town.

THIRD WARD. Bounded on the north by the center line of College way and the said center line of College way produced westerly to its intersection with the center line of Grove street, and thence westerly by the center line of Bristol street to the center line of Sacramento street; on the west by the center line of Sacramento street and the said center line of Sacramento street produced southerly to its intersection with the center line of Blake street, thence easterly along said center line of Blake street to its intersection with the center line of Sacramento street, formerly known as Lowell street and by the center line of said Sacramento street to its intersection with the center line of Parker street; on the south, by the center line of Parker street to its intersection with the center line of Ellsworth street produced, and on the east by the center line of Ellsworth street produced and the center line of Ellsworth street northerly to its intersection with the center line of Allston way, thence westerly along said center line of Allston way to its intersection with the center line of Oxford street, thence northerly by the center line of Oxford street to its intersection with the center line of College way.

FOURTH WARD. Bounded on the north by the center line of Golden Gate Avenue (or Russ street) produced and the center line of Golden Gate Avenue (or Russ Street) to its intersection with the center line of College Avenue, thence northerly along said center line of College Avenue to its intersection with the center line of Parker Street, thence westerly by the center line of Parker Street to its intersection with Grove Street; on the west by the center line of Grove Street to its intersection with the center line of Woolsey street, formerly known as Kent Street; on the south by the center line of Woolsey Street to its intersection with the center line of Shattuck Avenue, thence southerly along said center line of Shattuck Avenue to its intersection with the southerly boundary line of the Town of Berkeley, and by the southerly boundary line of the Town; and on the east, by the easterly boundary line of the Town.

FIFTH WARD. Bounded on the north by the center line of Parker Street, westerly from its intersection with the center line of Grove Street to its intersection with the center line of San Pablo Avenue; on the west, by the center line of San Pablo Avenue, southerly to its intersection with the southerly boundary line of the Town of Berkeley; on the south, easterly following the southerly boundary line of the Town to its intersection with the center line of Shattuck Avenue, on the east, northerly by the center line of Shattuck Avenue to its intersection with the center line of Woolsey Street, thence westerly along the center line of Woolsey Street to its intersection with the center line of Grove Street; thence northerly by the center line of Grove Street to its intersection with the center line of Parker Street.

SIXTH WARD. Bounded on the north by the center line of University avenue and its extension westerly to its intersection with the westerly boundary line of the Town of Berkeley, on the west, by the westerly boundary line of the Town to its intersection with the southerly boundary line of the Town, on the south, by the southerly boundary line of the Town to its intersection with the center line of San Pablo avenue; on the east, by the center line of San Pablo avenue to its intersection with the center line of Parker street, thence easterly by the said center line of Parker street to its intersection with the center line of Sacramento street, thence northerly along said center line of Sacramento street to its intersection with the center line of Blake street, thence westerly by said center line of Blake street, to its intersection with the center line of Sacramento street produced southerly, thence northerly by the center line of Sacramento street produced and by the center line of Sacramento street to its intersection with the center line of University avenue.

SEVENTH WARD. Bounded on the north by the northern boundary line of the Town of Berkeley, westerly to its intersection with the westerly boundary line of the Town; on the west, by the westerly boundary line of the town to its intersection with the center line of University avenue produced, on the south, by the center line of University avenue produced and the center line of University avenue to its intersection with the center line of Sacramento street; on the east, by the center line of Sacramento street northerly to its intersection with the center line of Hopkins street, thence westerly along said center line of Hopkins street to its intersection with the center line of Albina avenue, thence northerly by the center line of Albina avenue to its intersection with the northerly boundary line of the Town.

*Redistricting.*

SECTION 6. The Town shall every five years be redistricted into wards as hereinafter provided.

ARTICLE III.

### OFFICERS AND ELECTIONS.

*Officers.*

SECTION 7. The government of the Town shall be vested in a Board of Trustees, to consist of seven members; a Board of Education, to consist of seven members; whenever a free public library and reading-room is established therein, five Trustees thereof; a Treasurer, who shall be ex-officio Tax Collector, an Attorney, a Clerk, a Marshal, a Superintendent of Streets, an Assessor, an Auditor, two Justices of the Peace, an Engineer, and such subordinate officers as are hereinafter provided for.

*Eligibility.*

SECTION 8. No person shall be eligible to hold any office in the town, whether filled by election or appointment, unless he be a resident and elector therein, and shall have resided within the boundaries of the Town as hereinbefore described for three years next preceding the date of such election or appointment.

*Mode of Election.*

SECTION 9. The members of the Board of Trustees and of the Board of Education, and the Assessor, Marshal, Treasurer and Clerk, shall be elected by the qualified electors of the Town, at a general municipal election, to be held therein on the second Monday in April in each odd numbered year. The qualified electors of the town shall vote for the Assessor, Marshal, Treasurer and Clerk by general ticket; the qualified electors of each ward shall vote only for the member of the Board of Trustees and the member of the Board of Education who is respectively to represent their particular ward; provided that the first election under this charter shall be held on the second Monday in May, 1895, and the officers elected at such election shall hold office until their successors are elected and qualified as provided in this charter.

*Term of office.*

SECTION 10. The Marshal, Assessor, Treasurer and Clerk shall hold office for the period of two years from and after the Monday next succeeding the day of such election and until their successors are elected and qualified.

At the first election under this charter seven members of the Board of Trustees, and seven members of the Board of Education shall be elected. Those elected from the even numbered wards shall hold office for a period of two years, or until their successors are elected and qualified, and those elected from the odd numbered wards shall hold office for a period of four years or until their successors are elected and qualified. At each general municipal election thereafter members of the Board of Trustees and of the Board of Education shall be elected to succeed those whose terms are about to expire, and the members so elected shall hold office for a period of four years or until their successors are elected and qualified.

The Attorney, the Superintendent of Streets, and the Engineer shall be appointed by the Board of Trustees, and shall hold office during the pleasure of such Board.

*Vacancies.*

SECTION 11. Any vacancy occurring in any of the offices provided for in this charter shall be filled by appointment by the Board of Trustees, except members of the Board of Education; but if such office be elective, such appointee shall hold office only until the next regular municipal election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the Board of Trustees is absent from the meetings of the Board for the period of ninety days, unless by permission of the Board, his office shall, by the Board, be declared vacant, and the same filled as in the case of other vacancies.

*Official bonds.*

SECTION 12. The Clerk, Treasurer, Assessor, Auditor, Marshal, Superintendent of Streets, Attorney and Engineer shall, respectively, before entering upon the duties of their respective offices, each execute a bond to the Town in such penal sum as the Board of Trustees, by ordinance, may determine, conditioned for the faithful performance of his duties, including, in the same bond, the duties of all offices of which he is made by this Charter ex-officio incumbent. Such bonds shall be approved by the Board of Trustees. All bonds, when approved, shall be filed with the Clerk, except the bond of the Clerk, which shall be filed with the President of the Board of Trustees. All the provisions of any law of this State, relating to the official bonds of officers, shall apply to such bonds, except as herein otherwise provided.

*Oath of office.*

SECTION 13. Every officer of the Town, before entering upon the duties of his office, shall take and file with the Clerk the constitutional oath of office.

*Compensation.*

SECTION 14. The members of the Board of Trustees shall receive no compensation whatever, except while acting as a Board of Equalization; provided, that the President of the Board of Trustees, may receive such compensation as the Board of Trustses may by ordinance determine.

The members of the Board of Education shall receive no compensation whatever.

The Treasurer, Assessor, Auditor, Attorney, Engineer, Marshal, Superintendent of Streets and Clerk shall severally receive, at stated times, a compensation, to be fixed by ordinance by the Board of Trustees, which compensation shall not be increased or diminished after their election, or during their several terms of office.

Nothing herein contained shall be construed to prevent the Board of Trustees from fixing such several amounts of compensation, in the first instance, during the term of office of any such officer, or after his election.

The compensation of all other officers shall be fixed, from time to time, by the Board of Trustees.

*Administering oaths.*

SECTION 15. The President of the Board of Trustees and chairman of each committee and each and every town officer (except policemen and firemen) shall have the power to administer oaths and affirmations relating to any business brought before the Board of Trustees or under consideration by their respective department.

*Disposition of moneys collected.*

SECTION 16. Every officer collecting or receiving any moneys belonging to or for the use of the Town shall settle for the same with the Clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the Clerk for the benefit of the funds to which such moneys respectively belong.

*No officer to be interested in contract.*

SECTION 17. No officer of the Town shall be interested, directly or indirectly, in any contract with the Town, or with any of the officers thereof, in their official capacity, or doing any work or furnishing any supplies for the use of the Town or its officers in in their official capacity; and any claim for compensation for work done or supplies and materials furnished in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the Treasurer.

Any wilful violation of the provisions of this section shall be deemed a misdemeanor and punished as such, and if found guilty said officer shall forfeit all rights to said office, and the same shall be declared to be vacant.

*General Election Regulations.*

SECTION 18. All elections in the Town shall be held in accordance with the general election laws of the State, so far as the same may be made applicable, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the Great Register thereof at least fifteen days, and shall have resided in the Town for at least thirty days next preceding such election. The Board of Trustees shall give such notice of each election as may be prescribed by ordinance, shall appoint Boards of Election and fix their compensation and establish election precincts and polling places, and may change the same; provided, that no part of any ward less than the whole thereof shall be attached to any other ward, or part thereof, in forming election precincts. At any municipal election the last printed Great Register of the County shall be used, but any elector whose name is not upon such printed Register shall be entitled to vote, upon producing and filing with the Board of Election a certificate, under the hand and official seal of the County Clerk, showing that his name is registered and uncanceled upon the Great Register of such County, provided, that he is otherwise entitled to vote. The Board of Trustees shall judge of the qualification of their own members and shall canvass all election returns, except those of the first election held under this charter. The Board of Trustees shall meet on the first Wednesday subsequent to the election as a canvassing board and shall duly canvass the election returns in the manner prescribed by the general law.

ARTICLE IV.

### LEGISLATIVE DEPARTMENT.

*Legislative body: Board of Trustees.*

SECTION 19. The legislative power of the Town of Berkeley shall be vested in a Board of Trustees consisting of seven members.

*Qualifications.*

SECTION 20. From each of the seven wards of the Town there shall be elected by the qualified electors of the ward he is to represent, one member of the Board of Trustees, who shall have been at the time of his election a qualified voter within the boundaries of the Town as hereinbefore described for a period of not less than three years, and a resident of the ward from which he is elected for a period of not less than six months. If a trustee shall, during the term of his office, cease to be a resident of the Town, his office shall by reason thereof be declared vacant.

*Meetings.*

SECTION 21. The Board of Trustees shall meet on the first Monday after the election of its members shall have been officially declared, and regularly at least once a month, and at such other times as may be designated by resolution or ordinance. Special meetings may be called by the President of the Board or by four members of the Board uniting in a call. All the meetings of the Board shall be public.

*Quorum.*

SECTION 22. Four members of the Board shall be a quorum and the affirmative vote of four members shall be necessary to pass any measure, but a less number than four may adjourn from day to day and compel the attendance of absent members, in such manner as the Board may prescribe.

*Rules of proceeding.*

SECTION 23. The Board of Trustees shall annually elect a President from its own members, who may be removed by an affirmative vote of not less than five members of the Board. The member so chosen as President of the Board shall have no other than his vote as Trustee.

*President.*

SECTION 24. The Board of Trustees shall establish rules for its proceedings.

The Board shall have the power to punish its members for disorderly conduct in its presence, and may expel any member for malfeasance in office by an affirmative vote of five of its members.

The Board shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business properly before that body.

*Ordinances and Resolutions.*

SECTION 25. The action of the Board of Trustees shall be by ordinance or resolution.

*Ordinances: what constitutes.*

SECTION 26. To constitute an ordinance a bill must before final action thereon be passed to print and published, with the ayes and noes, for two days; and in case of any amendment being thereafter made must in like manner be republished as amended for not less than one day.

No action providing for any specific improvement other than those provided under general statute, or the granting of any privilege or involving the lease, appropriation or disposition of public property or expenditure of public money (except sums of less than five hundred dollars) or the levying of any tax or assessment or the imposing of any new duty or penalty shall be taken except by ordinance.

*Ordinances: enacting clause.*

SECTION 27. The enacting clause of all ordinances shall be in these words: "Be it ordained by the Board of Trustees of the Town of Berkeley as follows:"

*Ordinances: to contain but one subject.*

SECTION 28. Every ordinance shall embrace but one subject, which shall be clearly indicated in its title. But if any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

*Ordinances: final passage, reconsideration.*

SECTION 29. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next meeting of the Board of Trustees.

No bill for the grant of any franchise shall be put on its final passage within thirty days after its introduction.

*Ordinances: President's signature.*

SECTION 30. Every bill after it has passed the Board of Trustees shall be presented to the President thereof for his signature. The President shall sign and return such bill to the Board within ten days after receiving it.

*Ordinances: when to take effect.*

SECTION 31. No ordinance passed by the Board of Trustees shall take effect until ten days after its passage unless a different date be provided in the enactment.

*Ordinances: amending.*

SECTION 32. No ordinance shall be amended by reference only to its title, but when any ordinance is amended the section or sections thereof shall be re-enacted at length as amended.

*Violation of ordinances.*

SECTION 33. The violation of any ordinance of the Town shall be deemed a misdemeanor and may be prosecuted in the name of the people of California. Any person sentenced to imprisonment for the violation of any ordinance may be imprisoned in the town jail, or if the Board of Trustees shall by ordinance so prescribe, in the County jail of Alameda county; in which case the expense of such imprisonment shall be a charge in favor of the County of Alameda against the Town of Berkeley.

*Board of Equalization.*

SECTION 34. The Board of Trustees shall have power, and it shall be their duty, to provide by ordinance a system for the assessment, levy and collection of all town taxes, not inconsistent with the provisions of this charter which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this State in reference to the assessment, levy and collection of State and County taxes, except as to the time of such assessment, levy and collection, and except as to the officers by whom such duties are to be performed.

All taxes assessed, together with any percentage imposed for delinquency, and the costs of collection, shall constitute liens on the property assessed, every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by a sale of the real property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance or by actions in any Court of competent jurisdiction, to foreclose such liens, provided that any property sold for such taxes shall be subject to redemption within the time and manner and upon the terms provided, or that may hereafter be provided by law for the redemption of property sold for State taxes.

All deeds made upon any sale of property for taxes or special assessments under the provisions of this charter shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for nonpayment of State taxes.

*Levy and collection of taxes.*

SECTION 35. The Board of Trustees shall meet at their usual place of holding meetings on the second Monday in August of each year at 10 o'clock in the forenoon of said day and sit as a Board of Equalization, and shall continue in session from day to day until all the returns of the Assessor have been rectified, provided they shall not sit as such board later than the first Monday in September following and on said last day they levy upon the assessed valuation of the property of said town a rate of taxation upon each one hundred dollars of valuation, which shall be entered upon their minutes. They shall then deliver the assessment roll to the Town Clerk, who shall compute and carry out the amount of tax so levied upon each parcel of property in said assessment roll contained. They shall have power to hear complaints and to correct, modify, or strike out any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the Town Clerk who shall act as Clerk of the Board of Equalization, as being the assessment roll of said tax and shall be the assessment roll upon which such tax is to be levied in said year.

*Bond tax: Library tax.*

SECTION 36. Nothing in this charter contained shall be construed to prevent the levying and collecting of taxes for the payment of any bonded indebtedness and the interest thereon heretofore contracted by the Town of Berkeley, pursuant to statute as are provided for in such statutes in addition to the taxes herein authorized to be levied and collected; nor to prevent the levying and collecting the tax authorized by the act entitled "An act to establish free public libraries and reading rooms" approved April 26, 1880, in addition to the taxes herein authorized to be levied and collected.

*Licences, fines, and penalties.*

SECTION 37. All moneys received for licenses, and from fines, penalties and forfeitures, shall be paid into the general fund.

*Tax for special purposes.*

SECTION 38. If at any time the Board of Trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall, if petitioned in writing to do so by not less than three hundred qualified electors of the Town of Berkeley call a special election by the qualified electors of the Town to determine whether such indebtedness shall be incurred, provided that when such indebtedness proposed to be incurred shall not exceed the sum of ten thousand dollars, the question of incurring such indebtedness shall only be submitted to the qualified electors of the Town at a general municipal election. No such indebtedness shall be incurred without the assent of two-thirds of the qualified electors of said town voting on such question at such election. Before incurring such indebtedness provision shall be made for the collection of a tax sufficient to pay the interest on such indebtedness as it falls due and also to pay the principal thereof within one year from the time of contracting the same, and such tax shall be a special tax and the levy therefor shall be in addition to the total levy provided for in Section 50 of this charter.

*Limit of debt to be incurred.*

SECTION 39. The Board of Trustees shall not create, audit or allow or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned for such purposes, except in the manner provided by general statute or by this charter for incurring indebtedness; provided that the Town of Berkeley, during the first year of its existence under this charter, may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it for such year; nor shall any warrant be drawn or evidence of indebtedness be issued unless there be at the time sufficient money in the treasury legally applicable to the payment of the same except as herein provided.

*Street work.*

SECTION 40. The Board of Trustees are hereby authorized and empowered to order any work authorized by this charter to be done upon the streets, avenues, highways and public places of the Town. All such work shall be done pursuant to and under the provisions of the general statutes of the State of California, provided that in all cases where statutory proceedings may not be required the ordinances, rules, and regulations adopted by the Board of Trustees shall govern.

*Public work to be done by contract.*

SECTION 41. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, waterfront, or in or about embankments or other works for protection against overflow and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of two hundred and fifty dollars, the same shall be done by contract and shall be let to the lowest responsible bidder, after notice, by publication in a newspaper of general circulation printed and published in the Town for at least one week. Such notice shall distinctly and specifically state the work contemplated to be done; provided that the Board of Trustees may reject any and all bids presented and readvertize in their discretion.

*Contracts for printing.*

SECTION 42. The Board of Trustees shall annually, at a stated time contract for doing all official printing and advertising, which contract shall be let to the lowest responsible bidder, after notice as provided in the preceding section, and the contract therefor shall be awarded separately from all other printing.

*Contracts for lighting.*

SECTION 43. No contract for lighting public streets, buildings, places or offices shall be made for a longer period than two years, nor shall any contract be made to pay for gas, electric lights or any other illuminating material at a higher rate than charged to any other consumer.

*Contracts for water.*

SECTION 44. No contract for supplying water for the use of the municipality in any of its departments shall be made wherein the rates exceed those charged to other consumers.

*Form of Contracts.*

SECTION 45. All contracts must be in writing, executed in the name of the Town of Berkeley and by an officer authorized to make the same.

The form and legality of all contracts shall be submitted to and passed upon by the Town Attorney. Every contract must be countersigned by the Auditor, numbered and registered in a book kept for that purpose.

*Nuisances.*

SECTION 46. Every act and thing done or being within the limits of the town which is declared by law to be a nuisance, and anything done or being within the limits of the town which shall be by the Board of Health reported in writing to the Board of Trustees to be dangerous or detrimental to the health of the neighborhood or community may be by resolution or ordinance declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever, and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

*Redistricting the Town.*

SECTION 47. The Board of Trustees shall in the year 1900 and every fifth year thereafter, redistrict the town into seven wards, making the same as nearly equal in population and as geographically compact as possible; but the town shall not be so redistricted within ninety days previous to any municipal election.

*Ordinances continued in force.*

SECTION 48. All lawful town ordinances and regulations now in force, and not inconsistent with the provisions of this charter, are hereby continued in effect until the same shall be duly amended or repealed.

*Publication of Ordinances.*

SECTION 49. The Board of Trustees shall, during the first year after its organization under this Charter, cause all ordinances then in force to be classified under appropriate heads and shall provide for the publication of the same together with this charter in book form.

Every officer of the town shall be entitled to one copy of such ordinances and charter without charge, and every citizen applying for a copy shall be entitled to the same at the cost of publication.

The Board of Trustees shall every five years after the publication as herein provided, cause all the ordinances at that time in force to be compiled, and shall publish the same subject to the terms and conditions herein expressed.

### Powers of the Board of Trustees.

SECTION 50. The Board of Trustees shall have power:

*To pass ordinances.*

1. To pass ordinances.

*To establish a Board of Health.*

2. To provide for the organization and maintenance of a Board of Health; to prescribe rules and regulations therefor, and for the appointment or election of members thereof; and to make all such sanitary regulations as may be requisite to promote the public health and comfort.

*To hold property.*

3. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the Town, provided the Board shall not have the power to sell or convey any portion of any water front but may rent such water front for a term not exceeding ten years, provided further that whenever any street or portion of a street shall be abandoned or closed by resolution or ordinance as provided by law, said Board shall have full power and authority to convey by deed such street or portion of street to the owners of the lands adjacent to such street or portion of street so abandoned or closed, as said Board shall deem that equity requires.

*To lay and collect taxes.*

4. To lay and collect annually a property tax which shall be apportioned as follows: For the general fund not to exceed thirty-five cents on each one hundred dollars; for street fund not exceeding thirty cents on each one hundred dollars; and for school fund not exceeding thirty cents on each one hundred dollars. Provided that the school apportionment shall in no event be less than twenty-five cents on each one hundred dollars, provided that the Board of Trustees shall have power to levy in addition to said seventy-five cents any special tax necessary to pay any special indebtedness which may be incurred pursuant to the provisions of this charter.

*Tax limit.*

The total levy for any one year for all purposes to which such funds are applicable, shall not exceed seventy-five cents on each one hundred dollars of the assessed value of all real and personal property within the Town of Berkeley.

*To license businesses.*

5. To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the town and all shows, exhibitions and lawful games carried on therein; to fix the rates of license upon the same, and to provide for the collection of the same by suit or otherwise.

*To require a dog license.*

6. To impose and collect an annual license not exceeding two dollars on every dog owned or harbored within the limits of the Town.

*To erect public buildings.*

7. To erect and maintain buildings for municipal purposes.

*To establish and maintain streets.*

8. To establish, build and repair bridges; to establish, lay out, alter, keep open, open, improve and repair streets, sidewalks, alleys, squares, and other public highways and places within the Town and to drain, sprinkle and light the same, to remove all obstructions therefrom, to establish the grades thereof; to grade, pave, macadamize, gravel and curb the same in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or upon any part thereof; to cause to be planted, set out and cultivated shade trees therein; and generally to manage and control all such highways and places.

*To construct sewers.*

9. To establish, construct and maintain drains and sewers.

*To lay or allow water, lighting and telegraph lines.*

10. To lay and to permit, as they may deem

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proper, the laying of gas or water pipes or electric conduits in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone or electric light lines therein.

*To regulate distribution of water and gas.*

11. To regulate the quality, capacity and location of water and gas pipes, mains and fire-plugs, and to provide for and regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places and public buildings.

*To grant franchises for street railroads.*

12. To grant, under and in pursuance of the general statutes of this State, franchises for the construction of street railroads on and along the streets of the Town; provided that in all grants of franchises for street railroads it shall be made a condition that single fares on such roads shall not exceed five cents, and that only such rails shall be laid down as are of the most approved pattern for street railways operated by horses, cables or other motors than steam. Provided further that it shall be unlawful for the Board of Trustees within ninety days next preceding the date of holding a general Town election and within seventy days next immediately following such general election, to authorize or pass any ordinance, order or resolution granting to any person or persons or association of persons or corporation whatsoever any privilege or franchise for the construction, extension or operation of any street railroad over or upon any part of any street, road, highway, squares or park within the Town of Berkeley.

Any franchise or privilege granted or attempted to be granted in violation of or contrary to this section shall be absolutely void and of no effect, provided that all applications and bids or proposals for franchises under this section shall be accompanied by a cash deposit of $2,000 as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and granting of such franchise. Upon the franchise being awarded all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the full performance by him of the provisions of the franchise to the satisfaction of said Board. And upon such performance the remainder of such deposit after the payment therefrom of all expenses incurred by the town in connection with the awarding of such franchise shall be returned.

Provided further that no franchise for a street railroad shall be granted without containing a provision that all United States mail carriers and officers of the town shall at all times while in the actual discharge of their duties be allowed to ride on the cars of such railroad without paying therefor and with all the rights of other passengers.

*To contract for water supply.*

13. To contract for supplying the town with water for municipal purposes.

*To construct water works.*

14. To acquire, construct and keep in repair pumps, aqueducts, reservoirs, to lay water pipes or do other work necessary for duly supplying the Town with water.

*To fix water rates.*

15. To fix and determine annually the rates of compensation to be collected by any person, company or corporation in the Town for the use of water supplied to the Town or the inhabitants thereof, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

*To provide fire engines.*

16. To provide fire-engines and all other necessary or proper apparatus for the prevention and extinguishing of fires.

*To estat lish fire limits.*

17. To establish fire limits with proper regulations.

*To regulate objectionable trades.*

18. To regulate the maintenance of powder works, acid works, slaughter houses, wash houses, laundries, tanneries, offensive trades, and all other manufacturies, works and business of every description that may endanger the public safety, health or comfort, and to restrict the prosecution thereof to such fixed limits as may seem proper or to exclude such works and business from the Town.

*To establish a pound.*

19. To prevent or regulate the running at large of any animals, to establish a pound and to authorize the destruction or impounding of any animals running at large.

*To appoint policemen and subordinate officers.*

20. To appoint and remove such policemen and other subordinate officers other than the deputies of elective officers as they may deem proper and to fix their duties and compensation.

*To provide fines and imprisonment.*

21. To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

To cause all persons imprisoned for violation of any ordinance to labor on the streets or other property or works within the Town.

*To add to the duties of Town officers.*

22. To prescribe by ordinance not inconsistent with the provisions of this charter, the additional duties of all town officers, and fix their compensation.

*To provide for election of Auditor.*

23. To provide by ordinance, when said Board may deem necessary for the election at a general town election, of an Auditor, whose term of office shall be two years and whose compensation shall be fixed by the Board of Trustees and whose duties shall be as in this charter prescribed, provided that no Auditor shall be elected prior to the municipal election of the year 1899.

*To perform other acts.*

24. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this charter, and to enact and enforce within the limits of the town all other local, police, sanitary and other regulations as do not conflict with the general laws.

## ARTICLE V.

## EXECUTIVE DEPARTMENT.

### Duties of the President of the Board of Trustees.

SECTION 31.

*Supervise public officers.*

1. The President of the Board of Trustees shall vigilantly observe the conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of the public funds and property.

*Examine public records.*

2. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the town, shall at all times be open to his inspection and examination. He shall take especial care to see that the books and records of said departments, boards, officers and persons, are kept in a legal and proper form, and any defalcation, or wilful neglect of duty or official misconduct which he may discover or which shall be reported to him, shall be laid by him before the Board of Trustees, Town Attorney or District Attorney, in order that the public interests shall be protected and the person in default be proceeded against according to law.

*Have public records experted.*

3. He shall appoint, subject to the approval of the Board of Trustees, a competent person or persons, expert in matters of bookkeeping and accounts, whose compensation must be fixed before the appointment by the Board of Trustees, to examine the books, records, condition and affairs of every department, Board or officer, and report fully thereon in writing to the Board of Trustees at least once in every year and it shall be the duty of the President of the Board to enforce such an examination. Any officer, Board or person in the employ of the town refusing to submit to or permit such an examination, or purposely delaying or impeding the same, may be removed from office for such conduct the same as for malfeasance in office.

*Supervise public institutions.*

4. The President of the Board of Trustees shall have a general supervision over all departments and public institutions of the town and shall see that they are honestly, economically and lawfully conducted.

*Have Ordinances enforced.*

5. He shall see that the provisions of the Charter and the ordinances of the town are observed and enforced.

*Give information to the Board of Trustees.*

6. He shall, from time to time, give the Board of Trustees information in writing relative to the state of the town and shall recommend such measures as he may deem beneficial to its interest.

*Audit claims.*

7. He shall, until the election of an Auditor be had, examine into and audit all claims against the town, be the general auditing officer of the town, keep a proper record of all claims and report the same at each regular meeting of the Board, with his recommendations thereon.

*Count money in the Treasury.*

8. The President of the Board of Trustees, the Chairman of the Finance Committee of the same Board and the Town Clerk shall at least once in three months count the cash in the town treasury and see that it corresponds with the books of the Treasurer and the Clerk and report the result of such count to the Board of Trustees.

### Duties of the Auditor.

SECTION 32. The Auditor shall act as the general accountant and fiscal agent of the Town of Berkeley, and shall exercise a general superintendence over all the officers of the Town charged in any manner with the receipt, collection or disbursement of the Town revenues. He shall keep a complete set of books in which he shall set forth in a plain and business-like manner every money transaction of the Town, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person. He shall, on application of any person indebted to the Town, holding money payable into the Town treasury, or desiring to pay money therein, certify to the Town Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the Town Treasurer for money paid into the Town Treasury, charge the Town Treasurer with the amount received by him, and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public money at any time in the Town Treasury not by law or ordinance specifically apportioned and appropriated and forthwith notify the Town Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses. He shall report to the Board of Trustees at each regular meeting the condition of each fund in the Town treasury, and the amount drawn from each fund since the last regular meeting. He shall make and present a report to the Board of Trustees at its meeting in the second week of December of each year, showing all financial business transactions of the town for the preceding year ending the thirtieth day of November last. He shall audit and approve all demands against the Town before payment and keep a record of the same. He shall on or before the first of August in each year make and present to the Board of Trustees a report as to the revenue and expenses of the Town for the current fiscal year, in which he shall set forth estimates of, first, the revenue from other sources than taxation; second, the itemized expenditures, third, the itemized amounts necessary to be raised by taxation for each fund. He shall perform such other duties as shall be required of him by this Charter or by ordinance.

### Duties of the Treasurer.

SECTION 33. It shall be the duty of the Treasurer to receive and safely keep all moneys which shall come into his hands as Town Treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the Town Clerk. He shall pay out said money on warrants signed by the proper officers, and not otherwise, except interest coupons on bonds. He shall make quarterly settlements with the Town Clerk.

He shall be ex-officio Tax Collector.

### Duties of the Assessor.

SECTION 34. It shall be the duty of the Assessor, between the first Monday in March and the first Monday in August in each year to make out a true list of all taxable property within the town. The mode of making out said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating County Assessors or that may hereafter be enacted, except as the same may be otherwise provided in this charter, or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by County Assessors. The Assessor shall verify said list by his oath, and shall deposit the same with the Town Clerk, on or before the first Monday in August in each year. The Assessor and his deputy shall have power to administer all oaths and affirmations that may be necessary in the performance of their duties.

### Duties of the Clerk.

*Keep records of the Board of Trustees.*

SECTION 35. 1. It shall be the duty of the Clerk to keep a full and true record of all the proceedings of the Board of Trustees and of the Board of Equalization. The proceedings of the Board of Trustees shall be kept in a book, marked "Records of the Board of Trustees." The proceedings of the Board of Equalization shall be kept in a separate book, marked "Records of the Board of Equalization."

*Keep a book of "Town Accounts."*

2. He shall keep a book, which shall be marked "Town Accounts," in which shall be entered as a credit all moneys received by the town for licenses, the amount of any tax when levied, and all other moneys received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury.

*Keep a book of "Tax Collector's Account."*

3. He shall also keep a book, marked "Tax Collector's Account," in which he shall charge the Tax Collector with all tax lists delivered to him. He shall credit the Tax Collector with the delinquent lists returned by him.

*Keep a book of "Treasurer's Account."*

4. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the town with the Treasurer.

*Keep a book of "Town Licenses."*

5. He shall also keep a book, marked "Town Licenses," in which he shall enter all licenses delivered by him to the Marshal, and the amount thereof.

*Keep a book of "Sewer Permits."*

6. He shall keep a book, marked, "Sewer Permits," in which he shall enter all sewer permits delivered by him to the Marshal and the amount thereof.

*Keep a book of "Town Ordinances."*

7. He shall also keep a book, marked, "Town Ordinances," into which he shall copy all town ordinances, with his certificate annexed to said copy, stating the foregoing ordinance to be a true and correct copy of an ordinance of the town, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Said records shall not be filed in any case, but shall be returned to the custody of the Town Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way.

*Index foregoing books.*

8. Each of the foregoing books, except the records of the Board of Trustees and the Board of Equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

*Compute amount of Taxes.*

9. Upon the completion of the assessment roll for any of the taxes of the town, and levying of the tax thereon, the Town Clerk shall compute and carry out the mount of tax so levied on each parcel of property in said assessment roll contained and shall deliver it to the Tax Collector. It shall not be necessary to make a duplicate assessment roll. He shall compute all delinquent taxes and penalties therefor and charge the Tax Collector therewith.

*Appoint a Deputy.*

10. He may appoint, subject to the approval of the Board of Trustees, a deputy, for whose acts he and his bondsmen shall be responsible.

*Administer Oaths.*

11. He and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the State, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the town, and certify the same without charge.

*Have charge of the Town Archives.*

12. He shall have the custody and be responsible for the corporate seal, and all books, papers, records, and archives belonging to the town, not in actual use by other officers, or otherwise by special provision committed to their custody.

*Make quarterly Statements.*

13. He shall make a quarterly statement, in writing, showing receipts and expenditures of the town for the preceding quarter, and the amount remaining in the treasury.

*Make annual Statements.*

14. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the town, which shall be published, which statement shall also contain a complete list of all the paid officials of the town with the amounts of their several compensations.

*Act as Clerk of Board of Education.*

15. He shall ex-officio act as Clerk of the Board of Education.

*Perform other duties.*

16. He shall perform such other services as this charter and the ordinances of the Board of Trustees shall require.

### Duties of the Attorney.

SECTION 36. It shall be the duty of the Town Attorney to advise the town authorities and officers in all legal matters pertaining to the business of the town, and to render such other services in the line of his profession as may be required of him by the Board of Trustees.

### Duties of the Marshal.

*Have charge of the Town police.*

SECTION 37. 1. The department of police of the town shall be under the direction and control of the Marshal, and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the power that are now, or may hereafter be conferred upon Sheriffs by the laws of the State, and shall, in all respects, be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in the town and every citizen shall also lend his aid when required, for the arrest of offenders and the maintenance of public order.

*Have powers and duties of Constable.*

2. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority, and shall have the same power and duties in all civil and criminal cases within the limits of the town as Constables have within the respective townships for which they are elected and shall be entitled to the same fee.

*Pay Treasurer moneys collected.*

3. He shall, at the expiration of each month, pay to the Town Treasurer all funds of the town collected by him or his deputies during said month. He shall, upon the payment of the money, file with the Treasurer an affidavit stating that the money so paid is all the funds he has collected or received during the preceding month.

*Have charge of the Town prisons.*

4. He shall have charge of the town prison and prisoners, and of any chain gang that may be established by the Board of Trustees.

*Appoint deputies and additional policemen.*

5. He may appoint, subject to the approval of the Board of Trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible. He may also, with the concurrence of the President of the Board of Trustees, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only.

*Ex-officio License Collector.*

6. He shall be ex officio License Collector.

*Perform other duties.*

7. He shall perform such other services as this charter and the ordinances of the Board of Trustees shall require.

### Duties of the Tax Collector.

SECTION 38. The Tax Collector shall collect all taxes levied by the Board of Trustees, except as herein provided. He shall, at the expiration of each month, pay to the Town Treasurer all taxes and other funds of the town collected by him during said month. He shall, upon the receipt of any tax list, give his receipt for the same to the Town Clerk, and shall, upon depositing with the Town Clerk the delinquent tax list, take his receipt therefor. He shall keep proper books showing all moneys collected by him as Tax Collector, and also a book which shall contain a record of every deed given by or on behalf of the town for real estate sold for delinquent taxes or assessments, which book shall be properly indexed and shall be at all suitable times subject to public inspection. He shall perform such other duties as may be required of him by law or by ordinance of the Town.

### Duties of the Superintendent of Streets.

SECTION 39. The Superintendent of Street shall have the general care of and frequently inspect the streets of the Town. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street construction. He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction, inspect and approve or reject all material used in such construction, whether done under contract or otherwise, and shall at once report to the Board of Trustees in writing all deviations from contracts, and use of improper material and bad workmanship in such works, and shall have power pending investigation to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or as may be imposed by ordinance.

### Duties of the Engineer.

SECTION 40. 1. It shall be the duty of the Engineer to make all surveys, inspections and estimates required by the Board of Trustees.

2. He shall examine all public work done under contract and report thereon in writing to the Board of Trustees.

3. He shall, on application of any person owning or interested in real property in the town or a survey or plat of such property, make and deliver the same upon the payment of his fee therefor.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the town pertaining to his office, and the work thereof, all of which he shall keep in proper order and condition with a full index thereof, and all of which he shall turn over to his successor.

5. All maps, plats, profiles, field notes, estimates and other memoranda of surveys, and other professional work, made or done by him, or under his direction or control during his term of office for the town, shall be the property of the town.

6. He shall perform such other duties as are prescribed by this charter or as may be imposed by ordinance.

## ARTICLE VI.

## SCHOOL DEPARTMENT.

*Board of Education.*

SECTION 41. The government of the School Department of the Town shall be vested in a Board of Education to consist of seven members to be called School Directors.

*Qualifications of School Directors.*

SECTION 42. From each of the seven wards of the Town there shall be elected by the qualified electors of the ward he is to represent, one member of the Board of Education, who shall have been at the time of his election a qualified voter within the boundaries of the Town as hereinbefore described for a period of not less than three years, and a resident of the ward from which he is elected for a period of not less than six months. If a School Director shall, during the term of his office, cease to be a resident of the town, his office shall by reason thereof be declared vacant.

*Vacancies.*

SECTION 43. In case a vacancy shall occur in the office of School Director, the Board of Education shall choose a person to fill such vacancy, who shall serve until the next election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

*Meetings.*

SECTION 44. The Board of Education shall meet on the first Monday after the election of its members shall have been officially declared, and at such other times as may be designated by resolution in the place provided for them by the Board of Trustees. Special meetings may be called by the President of the Board or four members of the Board uniting in a call. All the meetings of the Board shall be public.

*Quorum.*

SECTION 45. Four members of the Board shall be a quorum and the affirmative vote of four members shall be necessary to pass any measure, but a less number than four may adjourn from day to day and compel the attendance of absent members, in such manner as the Board may prescribe.

*President.*

SECTION 46. The Board of Education shall annually elect a President from its own members, who may be removed by an affirmative vote of not less than five members of the Board. The member so chosen as President of the Board shall have no other than his vote as School Director.

*Clerk.*

SECTION 47. The Town Clerk shall be ex officio Clerk of the Board of Education and shall receive such compensation as said Board may from time to time determine. It shall be the duty of the Clerk to keep a full and true record of all the proceedings of the Board of Education. He shall make a quarterly statement in writing, showing the income and expenditures of the Board for the preceding quarter, and such other statements as the Board may from time to time require.

*Attorney.*

SECTION 48. The Town Attorney shall be the Attorney of the Board of Education.

*Board may sue and be sued.*

SECTION 49. The Board of Education may sue and be sued by their name of office. In any action or judicial proceeding against said board, service of process upon the president, or upon a majority of the members of the board, shall be sufficient to give the court jurisdiction to hear and determine the same.

*Administering Oaths.*

SECTION 50. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the treasury payable out of the school fund, and in all other matters relating to the duties of the Board of Education, and to witnesses examined in any investigation had by such Board of Education, or by a committee thereof duly appointed by it for that purpose.

*Attendance of Witnesses.*

SECTION 51. The President may issue subpœnas under his hand and the seal of the town, attested by the Town Clerk, to compel the attendance of witnesses before the Board of Education, or committee thereof, who shall be entitled to the same fees as witnesses in civil cases, and who may be punished for contempt for non-attendance, or refusal to be sworn, or to answer, by the Superior Court of the county in which the town is situated.

*School Warrants.*

SECTION 52. Every claim payable out of the school fund shall be filed with the clerk of the Board of Education, and after it shall have been approved by the board a certificate of such approval shall be endorsed thereon, signed by the president and clerk, and a warrant upon the school fund shall be issued thereon for the payment of such claim, which warrant shall be signed by the president of such board, and countersigned by the clerk, and shall specify for what purpose the same is drawn.

*Mode of Receiving County Moneys.*

SECTION 53. Unless otherwise provided by law, all moneys received by the treasurer of the county wherein the town is situated, on account of the school fund of the town, and all sums received into the county treasury, which may be apportioned to the town shall be paid to the Town Treasurer by the County Treasurer as soon as received, or as soon as the apportionment shall be made, when apportionment is necessary, upon the order of the Board of Education.

*Use of State School Moneys.*

SECTION 54. The entire revenue derived by the town from the State school fund and the State school tax shall be applied by the Board of Education exclusively to the support of primary and grammar schools.

### Powers of the Board of Education.

SECTION 55. The Board of Education shall have power:

*To Establish Schools.*

1. To establish and maintain public schools, including High Schools and Kindergartens, and to change, consolidate and discontinue the same.

*To Employ Teachers and Other Officers.*

2. To employ and dismiss teachers, janitors, truant officers, and school census marshals, and to fix, alter, allow, and order paid their salaries or compensations, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers hereby conferred.

*To Make Rules for the Schools.*

3. To make, establish and enforce all necessary or proper rules and regulations not in conflict with the laws of this State for the government and management of public schools within the town, the teachers thereof, and the pupils thereon, and for carrying into effect the laws relating to education.

*To Regulate Courses of Study.*

4. To establish and regulate the grades of schools in the town, and the mode of instruction to be pursued therein, and determine what text books shall be used, and to fix courses of study including preparation for entrance to the University of California.

*To Regulate Admission of Pupils.*

5. To prohibit any children under six years of age from attending the public schools, except that in the kindergarten, younger children may be received.

*To Regulate Admission of Non-Resident and Adult Pupils.*

6. To admit non-resident children, and persons over twenty-one years of age, to any of the departments of the schools of the town, upon the payment monthly, in advance, of such tuition fee as the Board may establish.

*To Provide School Supplies.*

7. To provide for the school department of the town fuel and lights, water, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by the Board.

*To Provide School Houses.*

8. To build, alter, repair, rent, and provide school houses, and to furnish the same with proper school furniture, apparatus, and appliances, and to insure any and all school property.

*To Hold Property.*

9. To purchase, receive, lease, and hold in fee, in trust for such town, any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the schools of the town, provided, that no real estate shall be bought, sold, or exchanged, nor any expenditure incurred for the construction of new school houses, without the approval of the Board of Trustees, and provided further that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots and for the erecting of school houses thereon.

*To Improve School Lots.*

10. To grade, fence, and improve all school lots.

*To Make Annual Estimates of Expenses, Tax Limit.*

11. To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto, and in pursuance of this provision, the Board of Education shall, at least ten days before the meeting of the Board of Trustees at which the annual town taxes are levied, submit in writing to the Board of Trustees a careful estimate of the whole amount of money to be received from the state and county, and of the amount to be required from the town for the above mentioned purposes; and the amount so found to be required from the town shall, by the Board of Trustees, be added to the above amounts to be assessed and collected for town purposes, and when collected, the proceeds thereof shall be immediately paid into the school fund of the town, to be drawn out only upon the order of the Board of Education, provided that such annual tax shall not exceed thirty cents on each one hundred dollars of the assessed valuation of the real and personal property within the town.

*To Regulate Disbursement of Money.*

12. To establish regulations for the just and equal disbursement of all moneys belonging to the school fund.

*To Discharge Legal Incumbrances.*

13. To discharge all legal incumbrances existing at the time of the adoption of this charter, or thereafter, on any school property within the town.

*To Perform Other Acts.*

14. To do and perform, in addition to the foregoing powers, such other acts as may be necessary or proper to carry into effect the powers hereby conferred, and to increase the efficiency of the public schools of the town.

## ARTICLE VII.

## JUDICIAL DEPARTMENT.

*The Judicial Power.*

SECTION 76. The judicial power of the town shall be vested in two Justices' courts and such other courts as may be provided by law.

*Election and Term of Justices.*

SECTION 77. Two Justices of the Peace shall be elected at the time that other Justices are elected, whose terms of office shall be two years, provided that the two Justices elected for the Town of Berkeley at the general election held November 6th, 1894, shall hold office as Justices of the Town of Berkeley until the first Monday in January, 1897. The Justices' courts shall always be open, legal holidays excepted.

*Jurisdiction of the Justices' Courts.*

SECTION 78. The Justices' court and the Justices thereof shall have jurisdiction, concurrently with other Justices' courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the town and which might be tried in a Justices' court, provided, however, that within the corporate limits of the town, the town Justices of the Peace and town Justices' courts shall have exclusive jurisdiction and power over all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of the town, of all actions founded upon any obligations or liability created by any ordinance, and of all prosecutions for any violation of any ordinance.

Provided, moreover, that the Board of Trustees may by ordinance select both or either of said Justices to have jurisdiction of all criminal prosecutions arising under ordinance.

*Rules of Proceeding.*

SECTION 79. The rules of practice and mode of proceeding shall be the same as are or may hereafter be prescribed for Justices' courts.

*Fees of Justices.*

SECTION 80. The Justices of the Peace shall be entitled to charge and receive for their services such fees as are or may be allowed by law to Justices of the Peace for like services, and to collect said fees in the same manner as other Justices' fees are collected, excepting that for their services in criminal prosecution for violation of ordinances they shall be entitled to receive only such fees or salary as the Board of Trustees may by ordinance prescribe which compensation when once fixed shall not be altered within two years thereafter.

*Justices to Render Account of Fines and Fees.*

SECTION 81. Each Justice of the Peace shall pay to the Treasurer of said town on the first Monday of each month all fines by him collected for violation of ordinances, and file a full monthly report with the Town Clerk, showing the amount of all fees collected, from whom, and in what cases such fines and fees were collected and paid.

*Compensation of Justices May be Fixed by the Board of Trustees.*

SECTION 82. The Board of Trustees may, at their option, by ordinance fix a monthly compensation for such Justices, which said compensation shall be in full of all services rendered as Justices, provided that when such monthly compensation is so fixed all fees and fines, other than those required by law to be paid to the County, shall be paid to the Town Treasurer.

*Disqualification of Justices.*

SECTION 83. In all cases where for any reason either of the Justices is disqualified or in any case of sickness or inability to act, he may call in the other Justice, and, if both are disqualified or unable to act, any Justice of the Peace residing in the County.

## ARTICLE VIII.

## AMENDMENTS.

SECTION 84. This charter may be amended at any time in the manner provided in the Constitution of this State.

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Whereas the Town of Berkeley, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the 6th day of November A.D. 1894 eighteen hundred and ninety four, at a general election, and under and in accordance with the provisions of Section eight, Article eleven, of the Constitution of the State of California, did elect William Carey Jones, O. G. Dornan, C. Engebretsen, John Finn, John McCarthy, George D. Metcalf, Reuben Rickard, George Schmidt, B. E. Underwood, W. K. Weir, H. L. Whitney, Charles T. Wilkinson, E. J. Wickson, D. H. Bruns and M. L. Hanscom, a board of Fifteen Freeholders to prepare and propose a Charter for said city. Be it known that in pursuance of said provision of the Constitution, and within a period of ninety days after such election, said Board of Fifteen Freeholders has prepared and does propose the foregoing, consisting of eight articles and eighty four sections, signed by us in duplicate as and for the Charter of the said Town of Berkeley.

In Witness Whereof we have hereunto set our hands and seals this twenty ninth day of December, A.D. Eighteen hundred and ninety four. Done in duplicate.

| | |
|---|---|
| WM. CAREY JONES | JOHN MCCARTHY |
| President | B. E. UNDERWOOD |
| GEO. D. METCALF | W. K. WEIR |
| REUBEN RICKARD | C. ENGEBRETSEN |
| H. L. WHITNEY | E. J. WICKSON |
| JOHN FINN | |

Attest: M. L. HANSCOM, Secretary.

State of California, } ss.
County of Alameda. }

I, M. L. HANSCOM, Secretary of the Board of Freeholders, elected November 6, 1894, to prepare and propose a Charter for the Town of Berkeley, County of Alameda, State of California, do hereby certify the foregoing to be a true copy of the Charter prepared and proposed by said Board of Freeholders, signed in duplicate by a majority of the members thereof and on the 31st day of December 1894 returned one copy to the President of the Board of Trustees of said Town of Berkeley and one copy to the Recorder of the County of Alameda.

In Witness whereof I have set my hand this 9th day of January, 1895.

M. L. HANSCOM,
Secretary Board of Fifteen Freeholders.


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